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On 10-16-02

TOWNSEND and TOWNSEND and CREW LLP

By: Linda Shaffer

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10/28  
C  
AMENDMENT UNDER 37 CFR § 1.116  
EXPEDITED PROCEDURE -  
EXAMINING GROUP 1635

PATENT  
Attorney Docket No.: 16303-002430

**RECEIVED**

OCT 25 2002

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Jeffery J. Wheeler, *et al.*

Application No.: 09/431,594

Filed: November 1, 1999

For: LIPID-NUCLEIC ACID  
PARTICLES PREPARED VIA A  
HYDROPHOBIC LIPID-NUCLEIC  
ACID COMPLEX INTERMEDIATE  
AND USE FOR GENE TRANSFER

Examiner: Janet L. Epps

AMENDMENT UNDER 37 CFR § 1.116  
EXPEDITED PROCEDURE EXAMINING  
GROUP 1635

**Box AF**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This Amendment is submitted in response to the Final Office Action mailed May 16, 2002. A copy of the Declaration of Michael J. Hope, Ph.D., which was originally filed in co-pending U.S. Patent Application No. 09/566,700, is submitted concurrently herewith pursuant to 37 C.F.R. § 1.132. In addition, a petition for a two-month extension of time is submitted concurrently herewith in a separate paper to extend the time for response to on or before October 16, 2002. Applicants respectfully request reconsideration of the above-referenced patent application in view of the following amendments and remarks. Please amend the above-referenced patent application as follows: